

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior, Finland

Maritime Search and Rescue Act

(1145/2001; amendments up to 1352/2019 included)

By decision of Parliament, the following is enacted:

Section 1

Scope of application

This Act applies to the search and rescue (SAR) of persons in distress within the Finnish Maritime Search and Rescue Region, provision of prehospital emergency medical care for them and conduct of radio communications relating to an emergency phase (*maritime search and rescue services, maritime SAR services*). This Act also lays down provisions on the authorities responsible for maritime safety radio communications, the provision of telemedical assistance services for vessels, maritime assistance services, the authorisation requirement for the use of certain distress signalling devices and prehospital emergency medical services at sea. (1660/2009)

This Act does not apply to rescuing a human life onboard a vessel tied up to the shore at a port.

Separate provisions are laid down on the salvaging of a vessel and its cargo and on combating oil and chemical pollution caused by vessels.

Section 2 (1660/2009)

Concepts and definitions

In this Act,

1) *an emergency phase* means:

a) a situation wherein there is uncertainty about a person's safety at sea or otherwise reason to take measures to assess any need for assistance;

b) a situation wherein it can be assumed that a person's safety at sea has been compromised or inquiries made to assess the need for assistance have been unsuccessful;

c) a situation wherein it is apparent that a person is in danger at sea and in need of immediate assistance;

2) *search and rescue unit* (SRU) means a vessel or aircraft which has a crew trained and equipped to carry out a maritime SAR mission;

3) *maritime search and rescue region* (SRR) means the maritime area that comprises Finland's territorial waters, the islands therein and the parts of the international waters directly adjacent to the territorial waters separately agreed upon with the neighbouring states;

4) *maritime search and rescue sub-region* (SRS) means a sub-region within the maritime search and rescue region that usually comprises the operating area of the Coast Guard District in question and also other areas of the maritime SRR in its vicinity as agreed or ordered more specifically on the matter and in which the Coast Guard District in question is responsible for maritime SAR services;

5) *maritime rescue coordination centre* (MRCC) means a designated Coast Guard District coordination centre that is the Finnish Maritime Search and Rescue Region's national coordination centre and the international point of contact for Finnish maritime SAR services and that takes care of the continuous maintenance of coordination and communication preparedness and the coordination of SAR operations within its search and rescue sub-region;

6) *maritime rescue sub-centre* (MRSC) means a designated Coast Guard District coordination or other centre that either independently or subordinate to the maritime rescue coordination centre takes care of the continuous maintenance of coordination and communication preparedness and the coordination of SAR operations within its search and rescue sub-region or in another separately designated area;

7) *maritime search and rescue command centre* means the maritime rescue coordination centre and the maritime rescue sub-centre;

- 8) *search and rescue coordinator (SC)* means a Commander of the Coast Guard District responsible for the maritime SAR arrangements of a search and rescue sub-region;
- 9) *maritime search and rescue mission coordinator (SMC)* means a border guard operating in a maritime search and rescue command centre whose task is to coordinate search and rescue operations;
- 10) *on-scene coordinator (OSC)* means a person whose task is to coordinate and harmonise on-scene search and rescue operations under the maritime search and rescue mission coordinator;
- 11) *aircraft coordinator (ACO)* means a person whose duty is to coordinate and harmonise on-scene aeronautical search and rescue operations under the maritime search and rescue mission coordinator;
- 12) *multisectoral incident* means an accident or emergency phase in which, in addition to human lives, also the environment, a vessel, its cargo or other property is threatened;
- 13) *prehospital emergency medical services (EMS)* means an entity which includes the provision of acute medical care for patients with a sudden illness or injury primarily outside a healthcare institution and, where necessary, the transportation of the patient to the medically most appropriate healthcare unit; (752/2014)
- 14) *safety radio communications* means radio communications used to protect or save human lives or property;
- 15) *maritime assistance service (MAS)* means a transmission service that supports the preparedness planning and proactive operations of the maritime SAR services for maritime emergency phases and accidents and serves as the national point of contact for vessels for assistance needs and notifications;
- 16) *telemedical assistance service (TMAS)* means urgent medical services, including specialist services, provided for vessels at sea via a satellite or mobile phone network;

17) *the COSPAS-SARSAT system* means an international satellite-based search and rescue system for satellite-aided transmission of distress alerts from Emergency Position Indicating Radio Beacons, Emergency Locator Transmitters and Personal Locator Beacons; (752/2014)

18) *Maritime Incident Response Group (MIRG)* means a special team comprised of members of rescue departments and trained and equipped to operate in special maritime SAR situations. (752/2014)

Section 3 (1660/2009)

Leading maritime search and rescue authority

The Border Guard is the leading maritime search and rescue authority and responsible for the provision of maritime search and rescue (SAR) services. For this purpose, it:

- 1) is responsible for the planning, development and supervision of maritime SAR services and the harmonisation of the activities of the authorities and volunteers participating in maritime SAR services;
- 2) coordinates and conducts SAR operations;
- 3) is responsible for emergency-phase radio communications and the transmission of telemedical assistance services for vessels;
- 4) participates in emergency prevention;
- 5) is responsible for the maritime assistance services;
- 6) is responsible for receiving distress alerts sent by Emergency Position Indicating Radio Beacons, Emergency Locator Transmitters and Personal Locator Beacons via the COSPAS-SARSAT system and relaying them to the national responsible party, and for the national harmonisation of issues relating to the COSPAS-SARSAT system;
- 7) provides maritime SAR-related coordination training and, where necessary, also other training and public education relating to maritime SAR services.

Section 4 (993/2018)

Other authorities and actors participating in maritime SAR

In addition to the Border Guard, the Emergency Response Centre Agency, the Finnish Meteorological Institute, the regional rescue authority referred to in the Rescue Act (379/2011), the Finnish Transport and Communications Agency, the Finnish Transport Infrastructure Agency, the Police, the Finnish Defence Forces, the healthcare and social welfare authorities, Customs and the environmental authorities (*other maritime search and rescue authorities*) are obliged to participate, free of charge, in maritime SAR duties if this is justifiable with regard to the duties belonging to their mandates or if this is necessary considering the seriousness and special nature of the emergency phase and if the performance of the maritime search and rescue duty does not considerably endanger the performance of the other important statutory duties of the authority. (1356/2018)

The maritime SAR duties of the other maritime SAR authorities are as follows:

- 1) the Emergency Response Centre Agency participates in alerting search and rescue units and personnel participating in maritime SAR missions as separately agreed on;
- 2) the Finnish Transport and Communications Agency is responsible for vessel safety and its development and provides the Border Guard with expertise belonging to its mandate;
- 3) the Finnish Meteorological Institute provides the Border Guard with expertise belonging to its mandate and produces for the Border Guard the weather and oceanographic services required by maritime SAR services;
- 4) the Finnish Transport Infrastructure Agency is responsible for the transport infrastructure and its development, the arrangement of the vessel traffic service (VTS) referred to in the Vessel Traffic Service Act (623/2005), provides the Border Guard with up-to-date traffic image of the vessel traffic and implements decisions made by the Border Guard relating to vessel traffic assisted by the vessel traffic service provider and participates in SAR operations by providing access to its personnel and equipment;
- 5) the regional rescue services, the Police and Customs participate in the SAR operations by providing access to their personnel and equipment; the regional rescue services participate in the

operations of the specially trained Maritime Incident Response Group of the rescue services if this is separately agreed on between the rescue services and the Border Guard;

6) the Finnish Defence Forces survey the sea areas to detect and locate accident and emergency phases in relation to the surveillance of territorial integrity and participate in SAR operations by providing access to their expertise, personnel and equipment;

7) healthcare and social welfare authorities are responsible for the provision of emergency medical services and telemedical assistance services;

8) environmental authorities provide the Border Guard with expertise within their mandate.

(1356/2018)

The air traffic service provider referred to in the Aviation Act (864/2014) and the vessel traffic service provider participate, free of charge, in the development of the maritime SAR cooperation, maintenance of maritime SAR preparedness and in SAR operations in so far as they have appropriate expertise, personnel and equipment relating to their mandates. The specific contents of the cooperation may be agreed upon in more detail in agreements between the Border Guard and the air traffic service provider and the Border Guard and the vessel traffic service provider.

State authorities, enterprises and agencies other than those referred to above provide, free of charge, the Border Guard and other maritime search and rescue authorities with their expertise, personnel and equipment in so far as this is necessary for preparedness planning or during an emergency phase.

Section 5

Coordination Committee and management boards

The Maritime SAR Coordination Committee assists the Border Guard in the planning, development and monitoring of maritime SAR services.

The Coast Guard District is assisted by the search and rescue sub-region management board, whose task is to assist the Coast Guard District in the planning of the maritime SAR services. Where required by an emergency phase, the task of the management board is to support the

maritime search and rescue coordinator and the maritime search and rescue mission coordinator in harmonising the tasks belonging to the field of maritime SAR services of the authorities, volunteer associations and other organisations and other actors. If the scope or special graveness of the emergency phase so requires, the search and rescue sub-region management board may be extended to include representatives of authorities, national management of voluntary associations and other organisations or experts. (1660/2009)

Further provisions on a management group to be appointed, where necessary, to assist an on-scene coordinator may be given by government decree.

Section 6

Voluntary work

Maritime search and rescue services may use the assistance of volunteer associations and other organisations, however, not in tasks involving significant exercise of public authority.

The Border Guard may delegate tasks falling within the sector of maritime SAR services and training and education tasks to be performed by a volunteer association or other organisation operating within the field of maritime search and rescue services.

Section 7

International cooperation in maritime search and rescue services

The maritime rescue coordination centre (MRCC) decides, on the basis of bilateral agreements or a request of a foreign state, on the provision of available assistance abroad in a matter falling within the field of maritime search and rescue services when necessary to rescue human lives. The MRCC also decides on requesting assistance from abroad when necessary to rescue human lives.

When receiving the assistance referred to in subsection 1, the MRCC shall assist foreign search and rescue units in permit, notification and corresponding matters relating to their entry into the country as separately provided by law or in an international treaty binding on Finland regarding the conditions of entry.

Section 8 (1660/2009)

Preparedness requirements

The maritime SAR services shall be planned and arranged so that any measures included therein may be taken without delay and efficiently. The search and rescue coordinator is responsible for the coordination of maritime SAR services and the maintenance of maritime SAR preparedness in his or her search and rescue sub-region.

Within the limits set by the resources allocated to it, the Border Guard keeps, in addition to the other search and rescue units suitable for maritime SAR duties, on standby helicopters which, in addition to their other tasks, are suitable for the search and rescue missions of maritime SAR services. The SAR helicopters on call shall be able to participate in basic-level emergency medical services connected to a search and rescue mission.

When deciding on the scale of search and rescue actions regarding an individual emergency phase, the aim shall be to ensure that there are resources also for search and rescue measures relating to other simultaneous emergency phases if this is possible without compromising the objectives set in this Act.

Section 9 (1660/2009)

Prioritisation of rescue actions

The primary objective of rescue actions in a multisectoral incident is to save human lives. Other rescue and response actions in response to the same multisectoral incident shall be harmonised with the actions aiming at saving of human lives in the manner ordered by the maritime search and rescue coordinator or the maritime search and rescue mission coordinator.

Section 10

Obligation to participate in maritime search and rescue services

Everyone shall, without delay, forward notifications and communications relating to an emergency phase and notify the maritime rescue command centre of any observations and measures regarding it. (1660/2009)

Anyone who is aware of another person in danger at sea is obligated, where possible without unreasonable danger to himself or herself or others, to take, on their own initiative, measures required by the situation that are necessary and possible to rescue those in danger.

By order of the maritime search and rescue mission coordinator, every able-bodied person on or in the vicinity of an emergency or accident scene is obligated, where necessary to search for or rescue persons in danger at sea, to assist in a maritime SAR task unless prevented by a legitimate reason. For a special reason, also a person residing elsewhere may be obligated to assist in a maritime SAR task. Unless there is a compelling reason, a person ordered to assist may not leave the mission until the maritime search and rescue mission coordinator has authorised it.

Section 11

Obligation to provide property for use in a maritime SAR mission

Where necessary for the search or rescue of persons in danger at sea, the maritime search and rescue mission coordinator may order that vessels, aircraft and other vehicles, foodstuffs, buildings, communication and data connections, communication equipment, other equipment and supplies and fuel and lubricants be provided for use in maritime SAR missions.

Section 11a (582/2018)

Isolation of a search and rescue scene

The search and rescue mission coordinator (SMC) may temporarily prohibit access to the sea area of the SAR scene and restrict access if this is necessary to secure the efficient performance of SAR operations and to avoid further emergency phases.

In the VTS area referred to in the Vessel Traffic Service Act, the decision on the isolation of a SAR scene made by the SMC under subsection 1 is implemented by the vessel traffic service provider with regard to vessel traffic.

The SMC may request the air traffic service provider to prohibit, within the scope of its powers, access to the airspace of the SAR scene and to restrict access if this is necessary to secure the efficient performance of SAR operations.

Section 12 (640/2019)

Maritime SAR Register

For the purpose of appropriate attendance to SAR duties and the subsequent clarification of events relating to an emergency phase and related search and rescue measures, the Border Guard Headquarters maintains a national Maritime SAR Register of action plans drafted for emergency phases and of received emergency notifications and the measures taken based thereon.

Section 13

Information in the Maritime SAR Register

In order to maintain the preparedness of maritime SAR services, the following may be stored in the Maritime SAR Register: the preparedness, identification and contact information of persons prepared to perform SAR duties and the identification information of Emergency Position Indicating Radio Beacons, Emergency Locator Transmitters and Personal Locator Beacons and the contact information notified by the holders of the devices in case of accidents. (752/2014)

The following information relating to the submission and receipt of emergency notifications may be stored in the Maritime SAR Register:

- 1) to identify the person who submitted an emergency notification, information on the personal identity code or date of birth, place and country of birth, gender, citizenship or nationality and other identification and contact information;
- 2) the date, time and manner of submitting the emergency notification;
- 3) identification information of the subscriber connection and location data of the terminal device relating to the emergency notification and information on the subscriber, user and installation address;
- 4) name and other identification and contact information of the emergency notification recipient.

The following information regarding an emergency phase may be stored in the Maritime SAR Register:

- 1) to identify the person subject to the emergency notification or rescued from an emergency phase, information on his or her name, personal identity code or date of birth, place and country of birth, gender, citizenship or nationality and other identification and contact information;

2) information on the state of health of the person referred to in paragraph 1, if the information can be assumed to be of significance to the appropriate performance of SAR measures;

3) information on treatment measures conducted on the person rescued from an emergency phase;

4) other information on measures taken due to the emergency notification or during the emergency phase.

A recording or other technical record of the emergency notification may be retained in connection with the register data.

Section 14 (640/2019)

Right to obtain data from the authorities and the vessel traffic and air traffic service providers

For the purpose of maritime SAR planning, the Border Guard has, notwithstanding the secrecy provisions, the right to obtain, free of charge, from other maritime SAR authorities data relating to the response preparedness and location of said authority and the preparedness, identification and contact information of the personnel. The Border Guard has the right to obtain the corresponding data from vessel traffic and air traffic service providers and the right to disclose data to vessel traffic and air traffic service providers.

In addition to the provisions elsewhere in the law, the Border Guard has the right to obtain, notwithstanding the secrecy provisions and free of charge, for the purpose of maritime SAR preparedness planning and during emergency phases for performing its maritime SAR duties, the following:

1) from the Finnish Transport and Communications Agency, details of vehicles, boats, vessels, aircraft and their owners and holders, data on radio equipment and its owner or holder from the register of radio licences, data on the position of radio equipment, data on an aircraft and its owner or holder from the Emergency Locator Transmitter Register and up-to-date traffic image of vessel traffic;

- 2) from the fishing authorities, data on a fishing vessel, its owner or holder and of vessel functionality;
- 3) from municipal port authorities, data on vessels and vessel and cargo traffic;
- 4) from vessel traffic service providers, data on vessel traffic, and from air traffic service providers, data on aircraft traffic;
- 5) from the Defence Forces, data on maritime surveillance;
- 6) from the emergency response centre data system, including the police assignment register, data on emergency notifications and emergency phases, data to ensure a person's own safety or occupational safety, and preparedness and location data on the units of authorities operating at sea;
- 7) from the registration authority of the province of Åland, data on vehicles, vessels, recreational craft and their owners and holders.

The personal data referred to in sections 7–9 and 15 of the Act on the Processing of Personal Data by the Border Guard (639/2019) and in section 30 of the Territorial Surveillance Act (755/2000) can, where necessary, be used during an emergency phase to arrange search and rescue measures.

Section 15 (1660/2009)

Right to obtain information from private companies and organisations

Notwithstanding the secrecy provisions, the Border Guard has the right to obtain from shipping companies, pilotage and ice breaking service providers, boating organisations, travel, cargo, port, security and rescue service operators and shipbuilding companies, free of charge, information of vessels and their crews, passengers and cargo that is necessary for the preparedness planning of maritime SAR services and, correspondingly, during an emergency phase for the performance of SAR duties.

Provisions on the right to obtain information from a telecommunications operator are laid down in section 321 of the Act on Electronic Communication Services (917/2014). (640/2019)

Section 16 (640/2019)

Section 16 was repealed by Act 640/2019.

Section 17 (640/2019)

Manner of disclosure of information

The Border Guard has the right to access the information referred to in sections 14 and 15 via a technical interface as separately agreed upon on the practical procedures, or in another way.

Section 18

Erasure of personal data from the Maritime SAR Register

Personal data shall be erased from the Maritime SAR Register as soon as its retaining is no longer necessary for the purpose of registration provided in section 12. Personal data other than that relating to the maintenance of maritime SAR preparedness shall be erased from the Register no later than within 10 years of the event.

The Border Guard shall review the necessity of the data in the Maritime SAR Register at the latest two years after the storage of the data in the Register. (1660/2009)

Section 19

Other users of the Maritime SAR Register

Other maritime search and rescue authorities may store data in the Maritime SAR Register and use the data therein via a technical interface if this is necessary for the performance of maritime SAR duties. Preparedness and performance capacity data of military national defence services may, however, not be processed by other authorities than the Defence Forces and the Border Guard.

The authority that has stored data in the Maritime SAR Register is responsible for the correctness of the data it has stored and the legality of the storage and use when attending to its own duties.

Section 20 (640/2019)

Provisions for the processing of personal data and public access to data in the Maritime SAR Register

Provisions on the processing of personal data are laid down in the Data Protection Act (1050/2018). Unless otherwise provided in this Act, the provisions of the Act on the Processing of Personal Data by the Border Guard also apply to the processing of personal data. The processing of personal data in the Maritime SAR Register is also governed by international agreements binding on Finland.

The provisions on access to official documents apply to access to the data in the Maritime SAR Register.

Section 21

Fees and compensations

The State pays a person ordered to a maritime SAR task under section 10, subsection 3 a reasonable fee and compensation for the costs incurred. The State also pays a reasonable fee and compensation for the costs incurred to a volunteer association or other organisation for participating in a maritime SAR task which the Border Guard has assigned to it under section 6, subsection 2.

Compensation from state funds for tools, clothing and equipment that have been damaged or lost in maritime SAR tasks is paid to anyone who:

- 1) has taken, on his or her own initiative, rescue measures under the obligation to act provided in section 10, subsection 2;
- 2) has been ordered to assist in a maritime SAR task under section 10, subsection 3;
- 3) participates in a maritime SAR task under section 6, subsection 2 as a member of a volunteer association or other organisation;
- 4) participates in a maritime SAR exercise coordinated by the Border Guard.

(752/2014)

The State pays full compensation for property that has been taken into use in accordance with section 11 and full compensation for damaged, lost or destroyed property. The State pays full compensation to volunteer associations or other organisations for property damaged, lost or destroyed in a maritime SAR task when the Border Guard has assigned it the task under section 6, subsection 2.

Section 22 (752/2014)

Applying for a fee or compensation

An application for the fee or compensation referred to in section 21 shall be filed with the Border Guard within three months of the occurrence of the grounds for the fee or compensation. A precondition for compensating damaged, lost or destroyed property is that the search and rescue mission coordinator or the maritime SAR exercise coordinator has been notified of the damage as soon as possible.

Section 23 (752/2014)

Compensation for an accident

A compensation shall be paid from state funds for an accident occurred during a maritime SAR task under the same grounds as for an occupational accident or an occupational disease in so far as the injured party does not have the right to compensation of at least the same amount under another act. Compensation is payable to anyone who:

- 1) has taken, on his or her own initiative, rescue measures under the obligation to act provided in section 10, subsection 2;
- 2) has been ordered to assist in a maritime SAR task under section 10, subsection 3;
- 3) participates in a maritime SAR task under section 6, subsection 2 as a member of a volunteer association or other organisation;
- 4) participates in a maritime SAR exercise coordinated by the Border Guard.

The State Treasury handles matters relating to the payment of compensation from state funds under this section. The relevant provisions of the Workers' Compensation Act (459/2015) apply to the handling of a matter concerning an injury and a request for a review of a decision made concerning a compensation. (469/2015)

Section 24 (993/2018)

The authorities responsible for maritime safety radio communications

In addition to the tasks provided in section 3, the Border Guard is responsible for the radio communications in emergency phases and the maintenance of the related preparedness. The Finnish Transport and Communications Agency is responsible for safety messages and releases relating to maritime safety and distress radio traffic in the Lake Saimaa area. The Finnish Transport and Communications Agency arranges the operative maintenance of the safety messages and releases relating to maritime safety and the distress radio traffic in the Lake Saimaa area by itself or acquires it from a vessel traffic service provider.

Section 25

Authorisation to use certain distress signals

The use of the distress signals and signals which may be confused with such distress signals defined in Annex IV of the 1972 Convention on the International Regulations for Preventing Collisions at Sea (Finnish Treaty Series 30/1977) except for the purpose of indicating distress in a distress phase is prohibited.

Notwithstanding the provisions of subsection 1, the Coast Guard District may authorise the use of distress signals further specified by government decree for exercise purposes. In addition, the use of distress signals further specified by government decree for exercise purposes elsewhere than in a vessel or aircraft may be authorised by the Coast Guard District in coastal municipalities and by the Police elsewhere in the country. A precondition for issuing the authorisation is that there is no risk of unnecessary search and rescue operations being launched and that the activity does not compromise safety. The authority issuing the authorisation may, where necessary, appoint an exercise leader, whose orders and instructions shall be complied with by those participating in the exercise. (1660/2009)

Provisions on the punishment for a false report of a danger about distress at sea or other comparable distress are laid down in chapter 34, section 10 of the Criminal Code (39/1889).

Section 25a (1352/2019)

Section 25a was repealed by Act 1352/2019.

Section 26

Appointment of an on-scene coordinator and an aircraft coordinator, and liability for acts in office

The search and rescue mission coordinator appoints the on-scene coordinator (OSC) and the aircraft coordinator (ACO).

The persons to be appointed an OSC and an ACO shall be officials with in-depth competence in the task. In urgent cases where this is necessary to save human lives, a person capable of the task other than an official may be temporarily appointed an OSC and an ACO.

The OSC and ACO are subject to liability for acts in office when performing their duties.

Section 27

Further provisions and instructions

Further provisions may be given by government decree on:

- 1) SAR actions in an emergency phase;
- 2) leading, terminating or suspending SAR actions;
- 3) the specific tasks of other maritime search and rescue authorities referred to in section 4;
- 4) the appointment and composition of the Maritime SAR Coordination Committee and a search and rescue sub-region management board;

5) the participation of the maritime helicopters on call in basic-level emergency medical services in cases referred to in section 8, subsection 2, the training relating to the arrangement of basic-level emergency medical services, the procedure relating to the maintenance of professional competence and the demonstration of qualification and other practical matters relating to the arrangement of basic-level emergency medical services; (1660/2009)

6) the required qualifications of the search and rescue mission coordinator and the other personnel of the maritime search and rescue command centre; (1660/2009)

7) the procedure to be complied with in applying for a fee and compensation referred to in section 21 and the documents to be used;

8) the procedure to be complied with in applying for an authorisation referred to in section 25, subsection 2, the notifications to be submitted and the announcements to be made on account of the authorisation and the required qualifications of the exercise leader to be appointed;

9) notifications relating to SAR actions between the authorities and related exchange of information.

The Ministry of the Interior issues a maritime search and rescue manual which, as a supplement to the provisions issued, aims to maximise the efficiency and appropriateness of the organisation of maritime SAR services and which provides information on maritime SAR tasks, their structure, planning, coordination, communication systems, the tasks of the maritime rescue coordination centre and the maritime rescue sub-centre and the cooperation relating to maritime SAR services.

Section 28

Entry into force

This Act enters into force on 1 February 2002.

This Act repeals the Act on the Maritime Rescue Service of 20 August 1982 (628/1982), as amended.